

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

PEOPLE V. STATE OF CALIFORNIA,)

1: 05 CV-F- 0473 REC DLB

ORDER ADOPTING FINDINGS AND RECOMMENDATION RE DISMISSAL OF NOTICE OF REMOVAL AND DISMISSING

Plaintiff,
vs.

PHILLIP MARIN,
Defendants.

On April 5, 2005, Defendant Phillip Marin (“Defendant”) filed a Notice of Removal of a state criminal action, Fresno County Superior Court Case No. F 04905282-0. Defendant also filed a motion to proceed in forma pauperis which the court granted by separate order. On April 13, 2005, the Magistrate Judge filed [findings and recommendations](#) herein which were served on Defendant and contained notice that any objections to the findings and recommendations were to be filed within thirty (30) days. Defendant has not filed timely objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the Magistrate Judge's analysis. Accordingly, IT IS

1 HEREBY ORDERED that:

2 1. The Findings and Recommendations filed April 13, 2005, are adopted in
3 full; and

4 2. This action is DISMISSED with prejudice for lack of subject matter
5 jurisdiction.

6 IT IS SO ORDERED.

7 **Dated: June 9, 2005**
668554

/s/ Robert E. Coyle
UNITED STATES DISTRICT JUDGE